

CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, AUGUST 19, 2025

COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.

A G E N D A

CALL TO ORDER

ROLL CALL / (LIAISON) SCHEDULE

HUSKINS () _____

HOLKER () _____

LONGO () _____

MAGISTAD () _____

RUOFF () _____

COUNCIL LIAISON MADDY (Jul-Dec) _____

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES

♦ June 3, 2025

3. MATTERS FROM THE FLOOR

This is an opportunity for members of the public to bring an item, that is not on tonight's agenda, but related to the governance of the City of Shorewood, to the attention of the Planning Commission. In providing this limited public forum, the City of Shorewood expects respectful participation. We encourage all speakers to be courteous in their language and behavior, and to confine their remarks to those facts that are relevant to the question or matter under discussion. Anyone wishing to address the Commission should raise their hand and wait to be called on. Please make your comments from the podium and identify yourself by your first and last name and your address for the record. Please limit your comments to three minutes. No discussion or action will be taken by the Commission on this matter. The Commission may request the issue be forwarded to the City Council or to staff to prepare a report and place it on the next agenda.

4. PUBLIC HEARINGS

A) Cannabis City Code Amendments

B) Grading & Steep Slopes City Code Amendments

C) 2026 Fee Schedule

5. OTHER BUSINESS

A) Monthly Training Tropic – Review July 28, 2025 City Council Land Use Planning & Zoning Training

B) Upcoming City Council Liaisons

6. REPORTS

A) Council Meeting Report

B) Draft Next Meeting Agenda

7. ADJOURNMENT

**CITY OF SHOREWOOD
PLANNING COMMISSION MEETING
TUESDAY, JUNE 3, 2025**

**COUNCIL CHAMBERS
5755 COUNTRY CLUB ROAD
7:00 P.M.**

DRAFT MINUTES

CALL TO ORDER

Chair Huskins called the meeting to order at 7:00 P.M.

ROLL CALL

Present: Chair Huskins; Commissioners Eggenberger, Holker, Longo, and Magistad;
Planning Director Griffiths; and, Council Liaison DiGruttolo

Absent: None

1. APPROVAL OF AGENDA

Commissioner Holker moved, Commissioner Longo seconded, approving the agenda for June 3, 2025, as presented. Motion passed 5/0.

2. APPROVAL OF MINUTES

• MAY 6, 2025

Chair Huskins noted that he had submitted some minor adjustments to Planning Director Griffiths before the meeting.

Commissioner Magistad moved, Commissioner Holker seconded, approving the Planning Commission Meeting Minutes of May 6, 2025, as amended. Motion passed 5/0.

3. MATTERS FROM THE FLOOR

Michael Cohen, 20640 Radisson Road, expressed concern about the Maple Shores PUD that was approved by the City, which involved clear-cutting of the trees and building seven townhomes. He explained that it has been an ongoing disaster for the neighborhood and listed off things like the clear-cutting, the promised replanting not occurring, debris, and litter. He asked the City to drive through and assess the situation, comparing it to what was approved. He noted that it was approved about two and a half years ago, and nobody has moved in; he wanted the City to know that what was there was not what was supposed to be there.

Commissioner Eggenberger asked if someone from the Public Works Department could go take a look at what Mr. Cohen had described.

Planning Director Griffiths stated he would ask Public Works and the City's Building Official to drive by the site and ensure code requirements were being met. He noted that it was an active construction site, so there was still work to be done on landscaping and trees that would take place at a later time. He explained that he would plan to reach out to Mr. Cohen after staff had taken a look at the site.

4. PUBLIC HEARINGS

1 Chair Huskins explained that the Planning Commission is comprised of residents of the
2 City of Shorewood who are serving as volunteers on the Commission. The Commissioners
3 are appointed by the City Council. The Commission's role is to help the City Council in
4 determining zoning and planning issues. One of the Commission's responsibilities is to
5 hold public hearings, help develop the factual record for an application, and make a non-
6 binding recommendation to the City Council. The recommendation is advisory only.

7
8 **A. PUBLIC HEARING – TINGEWOOD HOA COMMON AREA PUD CONCEPT**

9 **Applicant: Tingewood Homeowners' Association**

10 **Location: Parcel ID 3511723110072**

11
12 Planning Director Griffiths gave an overview of the request for the City to review a PUD concept
13 plan to subdivide the Tingewood HOA common area into one additional single-family lot. He
14 explained the overall process for this to move forward to the final stages. He stated staff
15 recommended approval of the PUD Concept Plan, subject to the conditions listed in the staff
16 report. He noted that after the packet was put together, staff had received two public comments,
17 which he distributed to the Commission before the meeting. He stated that comments and
18 questions were received from Michael Cohen at 20640 Radisson Road and Carol and Paul
19 Seiffert.

20
21 Commissioner Holker stated that the original proposal from the HOA had listed two lots and asked
22 what had changed.

23
24 Planning Director Griffiths stated that the original request was for two lots, but that would not
25 comply with the City's Comprehensive Plan, so now they were asking for one lot.

26
27 Commissioner Holker asked if there would be a setback issue for the townhomes to the lot line.

28
29 Planning Director Griffiths explained that there was no set requirement in the City Code for this
30 kind of situation and explained that in one of the conditions, staff had recommended that the line
31 be shifted slightly so there would be at least five feet between the two lines.

32
33 Commissioner Holker asked where the nearest water was located.

34
35 Planning Director Griffiths stated that the nearest municipal water was at the Maple Shores
36 townhomes discussed earlier, which would be several thousand feet away. He clarified that the
37 City would not require this to be extended and hooked up because it was for just one lot.

38
39 Commissioner Longo noted that the City has plans for a lot of buildings and units over the next
40 ten years and asked when the City would start requiring water lines and fire hydrants, even if
41 there was only one lot.

42
43 Planning Director Griffiths reminded the Commission that there were discussions earlier this year
44 that would have required municipal water connection for every subdivision, but the
45 recommendation from the Commission was to make amendments to the Subdivision Ordinance,
46 not to require water connections. He noted that the proposed amendment was currently before
47 the Council and explained that they had recently tabled action on that item, so the City's current
48 policy is what will govern this request, which means that there would be no requirement for
49 municipal water connection to the site.

1 Commissioner Magistad asked how this PUD situation could become complicated once the
2 Council took the Subdivision Ordinance amendments off the table for discussion and action.

3
4 Planning Director Griffiths explained that this project was submitted before the policy was
5 changed, so the future requirements that may be adopted by the City would not apply to this
6 project. He explained that this application was put forward before the proposed amendments
7 were brought forward, but, hypothetically, if the proposed amendments had been adopted, this
8 project would not be allowed to move forward unless they connected to City water.

9
10 Commissioner Magistad stated that the two comments that were submitted shared their concerns
11 about this proposal.

12
13 A woman spoke from the audience and stated that there were three parties that were concerned.

14
15 Commissioner Magistad asked if the HOA was unanimous in its support for this proposal.

16
17 Planning Director Griffiths stated that as part of the submittal, the applicant needed to verify to
18 staff that the HOA had approved submission of this application, which was done. He stated that
19 if the Commission had specific questions on the vote, they could ask the applicant.

20
21 Commissioner Longo stated that this states that there are two lots and that the hope was that
22 they would be sold together, and asked if they would not be sold together if that meant there
23 would be two dwellings.

24
25 Planning Director Griffiths suggested that the Commission take a step backward and clarified that
26 the request for two lots was no longer part of the application, and the Commission was just being
27 asked to consider the proposal with one lot. He stated that the only way two lots would be allowed
28 to be built on this site would be if there were a Comprehensive Plan amendment. He explained
29 that the narrative provided for the Commission had not been updated when the plan was changed
30 to just one lot. He noted that any additional development in this neighborhood would require a
31 PUD amendment and explained that what was being proposed tonight was for this property not
32 to be part of the HOA because it is a stand-alone, single-family lot, like the surrounding
33 neighborhood.

34
35 Chair Huskins stated that he was confused by the calculations within the 'Relation to
36 Comprehensive Plan' portion of the staff report and noted that it sounded like Planning Director
37 Griffiths had been including this lot as part of the existing homes in his overall calculations.

38
39 Planning Director Griffiths explained how the City was required, by the Met Council, to calculate
40 density. He stated that the City was required to calculate the density as a whole, which was why
41 he had done the density calculations for both situations and explained that it did not matter how
42 it was sliced because this proposal met the intent of the City's Comprehensive Plan.

43
44 Commissioner Eggenberger stated that he had a few questions related to water connections and
45 asked if the City was limited to how many wells the City can drill.

46
47 Planning Director Griffiths stated that there was no limit on the number of wells, and reminded the
48 Commission that, because the proposed amendments were not approved, the City did not have
49 the ability to restrict additional private wells in the community, nor did the State have laws that
50 pertained to private wells.

1 Commissioner Eggenberger asked if new construction projects were required to hook up to City
2 Water if they were within a certain distance of a waterline.

3
4 Planning Director Griffiths stated that the current requirement was that if a development has three
5 or fewer lots, they would not be required to connect, even if water was available. He noted that if
6 there are four or more lots and water is immediately available, then they would be required to
7 connect, and others would be decided on a case-by-case basis, based on financial feasibility,
8 when considering extending the water main. He stated that while he understood the Commission
9 had questions about water, and they were good questions, it was important for them to back
10 things up because they were not appropriate to this application.

11
12 Commissioner Long stated that this was an important discussion because the Commission would
13 be voting on a lot of other proposed dwellings.

14
15 Planning Director Griffiths stated that the Commission had already discussed this, and a decision
16 on it was awaiting action from the Council.

17
18 Jane Korin, 5520 Tiffany Lane, applicant, stated that the purpose of selling this lot was to make
19 their HOA healthier to keep up with maintenance. She stated that they are hoping to restore the
20 property in order to enhance the community. She noted that their surveyor, Eric Lindgren, was
21 also here tonight if the Commission had any technical questions.

22
23 Commissioner Magistad asked about the approval of the HOA with this proposal.

24
25 Ms. Korin stated that there were seven people who signed in favor of this proposal and two who
26 did not sign.

27
28 Commissioner Magistad asked about the location of the two owners who had not signed.

29
30 Ms. Korin explained that they were not able to contact the owner of Lot 1, and the owner of Lot 8
31 declined to vote.

32
33 Chair Huskins opened the Public Hearing at 7:33 P.M.

34
35 Paul Seiffert, 5515 Radisson, stated that he has been on Radisson Road for over fifty years and
36 was in R1 zoning with two and one-half acres. He noted that when the PUD was proposed, it was
37 the overall understanding that this would take care of this property as a final solution, but then he
38 found out that PUDs can be modified. He asked if there were criteria for the modifications and
39 who made the determination on whether something could be modified or not.

40
41 Planning Director Griffiths explained that under State Statute, the property owner has a right to
42 request an amendment to zoning approvals on their property.

43
44 Mr. Seiffert stated that behind his property is what he called a pond, which was apparently a lake
45 and referenced the other PUD nearby, Maple Shores, and asked if that PUD could also be subject
46 to revision.

47
48 Planning Director Griffiths explained that, at any time, any property owner, can request an
49 amendment to whatever approvals they have and gave a brief overview of the process that would
50 need to be followed in that situation. He reiterated that this was something that was allowed by
51 State law.

1
2 Mr. Seiffert noted that he owned almost three acres, and he was not able to do anything like split
3 his property because the plotted road is very near his living room window, and the real road is
4 about fifty yards away. He explained that he had come to the City and asked for some relief from
5 the road so he could do some more development, but his request was denied.

6
7 Planning Director Griffiths clarified that Mr. Seiffert had never made an application.

8
9 Mr. Seiffert agreed and stated that he was encouraged not to make an application.

10
11 Planning Director Griffiths explained that what Mr. Seiffert was talking about would be a different
12 application for a variance, which was substantially different than what was being considered
13 tonight.

14
15 Chair Huskins suggested that if Mr. Seiffert wanted to pursue this, he do so outside of the meeting.

16
17 Mr. Seiffert explained that the point he was trying to make was that there were constraints based
18 on the plotted road, but now the City was saying that this could be modified. He asked if the
19 Commission had read and understood the note he had submitted regarding the background of
20 the issues with erosion and water, and gave a brief review of what he had included in his letter
21 regarding the proposed home and driveway.

22
23 Chair Huskins clarified that what the Commission was considering tonight was a concept and
24 other details related to things like water would be hurdles crossed at the point an official
25 development plan would come to the City. He stated that if the City approved a concept plan, it
26 would allow the application to move to the next step. He explained that if this continued to move
27 forward, there would be another public hearing held once some of those details were submitted.

28
29 Mr. Seiffert asked what adding another well to the Radisson Road area might do and where the
30 sewer ended.

31
32 Planning Director Griffiths stated that there was a sanitary sewer main in the Radisson Entrance
33 that would be able to serve this proposed lot, but municipal water stops far short of the site. He
34 noted that the property owner would work with the Minnesota Department of Health in order to
35 put in a private well, which was a property right, and explained that the City did not have the ability
36 to restrict their location, according to State Statute.

37
38 Mr. Seiffert asked about the water for the nine townhomes.

39
40 Planning Director Griffiths stated that there was one, very large well, that served all of the
41 townhomes.

42
43 Chair Huskins stated that this discussion was not germane to what was before the Commission
44 tonight.

45
46 Elaine Hastings, 5495 Radisson Entrance, stated that she had lived here since 1971 and noted
47 that when Tingewood began, there were discussions that took place about water, and the
48 developers said that it would not be a problem, which was not true. She explained that during the
49 building process, she had a lot of water run-off from the development that knocked down a
50 retaining wall, and former City Attorney Larson was able to get Tingewood's insurance company
51 to pay for rebuilding the wall. She gave examples of other issues that had arisen over the years

1 and stated that she felt if another home was built at the end of Radisson Entrance then all the
2 hard space would collect rain and come down her driveway. She noted that they have built
3 boulder walls in order to keep things in place on her property and stated that if a home were built
4 here, she wanted to make sure all of these issues were addressed so she would not be washed
5 out.

6
7 Commissioner Longo asked if there would be more consideration given to the management of
8 water if this moved further into the City's process.

9
10 Planning Director Griffiths reviewed the proposed conditions, which included hiring an engineer
11 to come up with a stormwater management plan for the site for review by the City.

12
13 Michael Cohen, 20640 Radisson Road, asked about the price of the lot.

14
15 Chair Huskins stated that the question was not a matter for discussion during the public hearing.

16
17 Mr. Cohen stated that it would eliminate all of this if they would just offer it to the neighbors.

18
19 Ms. Korin stated that they would love to sell it to the neighbors, but explained that it would not be
20 a sellable lot until the City approves a subdivision.

21
22 Chair Huskins reiterated that this issue was not a matter for the Commission to discuss.

23
24 Mr. Cohen stated that he felt he was asking the same question that the City had asked during the
25 Maple Shores approval process because the City wanted to know how much money they would
26 get from taxation, which was why he was asking the question, too.

27
28 Commissioner Eggenberger asked Mr. Cohen to address his questions to the Commission and
29 not members of the audience.

30
31 Mr. Cohen asked if it would be possible to add another unit to the existing well that was being
32 shared by the nine townhome units, so they would not have to drill a new well. He stated that
33 when the Tingewood PUD was originally approved, Radisson Entrance was a throughway to
34 Highway 7.

35
36 Chair Huskins stated that these comments would be noted for the record.

37
38 Ms. Hastings stated that when Tingewood was being formed, they all had the understanding that
39 these would be the only buildings that would be on this property.

40
41 Chair Huskins explained that legally, the owners of the property, have the right to present an
42 amendment to the original PUD.

43
44 Chair Huskins closed the public hearing at 7:58 p.m.

45
46 Commissioner Eggenberger stated that he would vote in favor of this because it was a concept,
47 but shared that he did have some concerns about development. He explained that comments
48 were made about this being the only buildings that would be on this site, but noted that things can
49 change and are not forever.

1 Commissioner Magistad explained that he would like the Council to map out the requirements for
2 a minor subdivision, even though this was a PUD amendment. He stated that until the
3 Commission has clarity on the Council's decision about how to deal with the City watermain
4 extension rather than digging wells, and the dissension he observed during the public hearing, he
5 felt this would be difficult to pass the Council.

6
7 Commissioner Longo stated that he agreed with Commissioner Magistad that they needed to
8 have a conversation about future development, but under the current boundaries, he would
9 support this request.

10
11 Commissioner Holker stated that she would be in favor of this concept plan, based on what was
12 currently on the books in the City.

13
14 Planning Director Griffiths stated that he understood the Commission's concern about future
15 development and municipal water, but cautioned them that the City had a legal obligation to review
16 this request with respect to the requirements that were currently in place. He stated that the City
17 is unable to deny this application based on wanting to wait to have a conversation about municipal
18 water or further direction from the City Council.

19
20 **Commissioner Holker moved, Commissioner Eggenberger seconded, recommending**
21 **approval of the Tingewood HOA Common Area PUD Concept Plan for the Tingewood**
22 **Homeowners Association, Parcel ID 3511723110072, subject to the conditions included in**
23 **the staff report. Motion passed 4/1 (Magistad opposed).**

24
25 Planning Director Griffiths stated that this item would be on the June 23, 2025, City Council
26 meeting agenda.

27
28 **B. PUBLIC HEARING – IMPERVIOUS SURFACE DEFINITION CITY CODE**
29 **AMENDMENTS**

30 **Applicant: City of Shorewood**

31 **Location: City-wide**
32

33 Planning Director Griffiths explained that the City was required by State law, to regulate the
34 percentage of impervious surface that was constructed on properties. He shared details behind
35 the request for a City-wide definition of impervious surface and the history behind how impervious
36 surface requirements have adapted to technology over time, and what was being proposed
37 tonight was not a policy change for the City. He noted that the proposed language for this
38 amendment came directly from the Department of Natural Resources and had also been adopted
39 by the Minnehaha Creek Watershed District. He explained that no public comments had been
40 received prior to the meeting.

41
42 Commissioner Longo asked if the new definition was a bit more restrictive than the old definition.

43
44 Planning Director Griffiths stated that this new definition just clarifies information and reiterated
45 that it was not a policy change and was more about matching the Code to the current practice.

46
47 Commissioner Magistad asked when the language had been changed by the DNR and why it was
48 coming up now and not, for example, five years ago.

49
50 Planning Director Griffiths stated that he did not know the exact date but believed that they had
51 also updated it because of new technology. He explained that staff had recently evaluated the

City's current policy and was concerned that the City Code does not back them up, and noted that this was a requirement that the City enforces daily.

Chair Huskins asked about the 1,000-foot metric and if that came from the State.

Planning Director Griffiths confirmed that the number was from the State and explained that the City could not make the number less than one thousand, but would make it greater.

Chair Huskins referenced higher-density development and past conversations about compromising on acceptable impervious surfaces for things like additional parking spaces. He asked if the City would start with these parameters and then everything else would become a variance, or if they would establish what would be permissible for each zoning district, and if the builder wanted something different, they could apply for a variance.

Planning Director Griffiths stated that the City would establish the parameters for each zoning district, and if something else was desired, they could apply for a variance. He noted that this proposed language amendment was kind of leveling the playing field on impervious surface and stated that the current definition had been in the Code since the 1970s.

Chair Huskins opened the Public Hearing at 8:16 p.m., and there being no one present, he closed the Public Hearing at 8:16 p.m.

Commissioner Eggenberger moved, Commissioner Magistad seconded, recommending approval of the Impervious Surface Definition City Code Amendments for Applicant, City of Shorewood, City-wide. Motion passed 5/0.

Planning Director Griffiths stated that this would come before the City Council on June 23, 2025.

Commissioner Eggenberger referenced the topic brought up during Matters from the Floor and asked Planning Director Griffiths to let the Commission know what he found when he looked into the situation.

5. OTHER BUSINESS

A. Monthly Training Topic – Due Process and Public Hearings

Planning Director Griffiths gave an overview of the monthly training topic for the Commission related to due process and public hearings and answered Commission questions.

6. REPORTS

A. Council Meeting Report

Council Liaison DiGruttolo explained that she would defer to Planning Director Griffiths since she had not been in attendance at the most recent City Council meetings.

Planning Director Griffiths gave a brief overview of the last few City Council meetings, where Planning Commission recommendations had been discussed and reviewed actions taken by the Council. He noted that the City had chosen a new City Planner who would begin on June 30, 2025.

B. Draft Next Meeting Agenda

1
2 Planning Director Griffiths stated that the July Planning Commission meeting will be canceled
3 because there are no applications. He noted that their next meeting would be on August 19, 2025,
4 due to National Night Out.

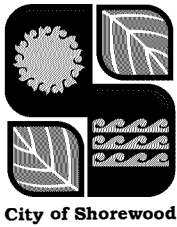
5
6 Chair Huskins asked for an update on the Planning Commission applicant pool and when a new
7 Commissioner would be in place.

8
9 Planning Director Griffiths stated four applicants had expressed interest in filling outgoing
10 Commissioner Eggenberger's seat and explained that the Council would be interviewing them on
11 June 23, 2025, at their Work Session meeting. He stated that he would expect the new
12 Commissioner to be in place by the August meeting.

13
14 Chair Huskins stated that before they adjourn, he wanted to officially acknowledge the service of
15 Commissioner Eggenberger to the City and the Commission. He stated that he considered him a
16 friend and had learned a lot from him, and felt his contributions to the City have been notable, and
17 he would be greatly missed on the Commission. He noted that he has also heard the same
18 sentiments expressed by other former Commissioners.

19
20 **7. ADJOURNMENT**

21
22 **Commissioner Holker moved, Commissioner Longo seconded, adjourning the Planning**
23 **Commission Meeting of June 3, 2025, at 8:55 P.M. Motion passed 5/0.**
24
25



Planning Commission Meeting Item

Item
4A

Title/Subject: Cannabis City Code Amendments
Meeting Date: August 19, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Draft Amendment Language

Background

The State of Minnesota is continuing to progress towards implementing its legalized recreational cannabis sales. The State will issue licenses to cannabis businesses, but local agencies will register cannabis retailers to ensure that business locations comply with local zoning requirements. Last year, the Planning Commission reviewed, and the City Council adopted an ordinance defining distances cannabis retailers could locate from certain uses, including schools, daycares and parks. However, as part of the ordinance the City deferred its registration authority to Hennepin County. At the time, the rationale behind deferring the City's authority was that due to the City's population only 1 cannabis business could locate in Shorewood, and that the amount of staff time needed to proficiently administer cannabis registrations and compliance checks could be more efficiently handled by the County. The Cities of Greenwood, Loretto, Medicine Lake, and Spring Park also delegated their registration authority to Hennepin County.

In May, Hennepin County approved their own ordinance regulating cannabis and lower potency hemp edibles. During the draft stage of the County's ordinance, City staff noted to the County that its proposed zoning standards and the City's did not align, and the City questioned the County's zoning authority. No response from the County was received. The matrix below shows the difference between the City's and the County's standards.

Standard	Shorewood	Hennepin County
Distance from School	700 ft	350 ft
Distance from Day Care, Treatment Facility or Park	500 ft	350 ft
Distance from Other Cannabis Retailors	500 ft	NA
Other Requirements	Conditional Use Permit	NA
Hours of Operation	10:00am to 9:00pm	10:00am to 10:00pm
Number of Registrations	1 per 12,500 population	1 per 12,500 population.

Upon further review with the City's legal counsel, it was determined that the County's ordinance standards supersede the City's ordinance standards since the registration authority was delegated to the County. The City Council discussed this discrepancy at their May 27, 2025 work session and directed staff to pursue an update to the City Code to reassume its registration authority from Hennepin County. At the June 9, 2025 City Council meeting, the City Council passed a resolution formally terminating its delegation agreement with Hennepin County which will formally expire on September 8, 2025.

Discussion

In order to be adequately prepared to register cannabis retail businesses, an amendment to the City Code is necessary. City staff worked with the City Attorney to draft the proposed City Code amendments, which are heavily based on the State of Minnesota Office of Cannabis Management's model ordinance. Proposed City Code amendment language is attached for review.

The proposed amendments are more housekeeping in nature and are consistent with the procedures adopted by many other cities. A few policy changes to highlight include:

- Switching the zoning tool used to review cannabis retail locations from a conditional use permit to an interim use permit. An interim use permit is a more appropriate zoning tool as it is temporary in nature, rather than a conditional use permit which becomes a permanent land right once approved.
- Adding cannabis related fees into the City Code.
- Adopting registration procedures and application requirements.

Public Engagement

Notice of the public hearing and proposed amendments was published in both of the City's official newspapers at least 10 days prior to tonight's meeting, and was posted on the City's website, and at City Hall. Additionally, this topic has previously been discussed by the City Council at their May 27, 2025 work session and June 9, 2025 regular meeting.

Staff's Recommendation

City staff recommends approval of the proposed City Code amendments as they are consistent with the intent of the City's original cannabis ordinance adopted in 2024, are consistent with the State of Minnesota's model ordinance, and are necessary in order to reclaim the City's registration authority from Hennepin County.

Action Requested

The Planning Commission is requested to hold a public hearing on the proposed City Code amendments and make a recommendation based on findings of fact to the City Council.

Section 1. City Code Chapter 307 *Reserved* is hereby repealed in its entirety and replaced as follows:

CHAPTER 307 CANNABIS REGULATIONS

Section

307.01	Administration
307.02	Registration of Cannabis Business
307.03	Requirements for a Cannabis Business
307.04	Temporary Cannabis Events
307.05	Use of Cannabis in Public

307.01 ADMINISTRATION

Subd. 1. *Findings and Purpose.* The City of Shorewood makes the following legislative findings:

- a. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Shorewood to protect the public within the legal boundaries of the City of Shorewood.
- b. The City of Shorewood finds and concludes that the proposed provisions are appropriate and lawful land use regulations for Shorewood, that the proposed amendments will promote the community's interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest

Subd. 2. *Authority and Jurisdiction.* The City of Shorewood has the authority to adopt this ordinance pursuant to:

- a. Minn. Stat. § 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions on the time, place, and manner of the operator of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- b. Minn. Stat. § 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- c. Minn. Stat. § 152.0263, Subd. 5, regarding the use of cannabis in public places.
- d. Minn. Stat. § 462.357, regarding the authority of a local authority to adopt zoning ordinances.

e. Minn. Stat. § 412.221, subd. 32, regarding the power to provide for health, safety, and the general welfare.

This ordinance shall be applicable to the legal boundaries of the City of Shorewood.

Subd. 3. *Severability.* If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Subd. 4. *Enforcement.* The City Administrator or their designee is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance. Nothing in this Chapter shall be construed as limiting the ability of the City to enforce this Chapter in the manner it deems best, including but not limited to bringing a legal action in a court of competent jurisdiction.

Subd. 5. *Definitions.* Unless otherwise noted in this section, words and phrases contained in Minn. Stat. 324.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.

CANNABIS RETAIL BUSINESS. A retail location and the retail location(s) of a mezzo business with a retail operations endorsement, microbusiness with a retail operations endorsement, medical combination businesses operating a retail location, or lower-potency hemp edible retailers.

DAYCARE. A location licensed with the Minnesota Department of Human Services to provide the care of a child in a residence outside the child's own home for gain or otherwise, on a regular basis, for any part of a 24-hour day.

OFFICE OF CANNABIS MANAGEMENT. Minnesota Office of Cannabis Management, referred to as "OCM" in this ordinance.

PLACE OF PUBLIC ACCOMODATION. A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

PRELIMINARY LICENSE APPROVAL. OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.

PUBLIC PLACE. Property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use but does not include:

1. A person's dwelling house or premises, including the person's curtilage or yard; or
2. The premises of an establishment or event licensed to permit on-site consumption.

RESIDENTIAL TREATMENT FACILITY. As defined under Minn. Stat. 245.462, Subd. 23 as may be amended, or licensed under Minn. Stat. § 245G.21.

RETAIL REGISTRATION. An approved registration issued by the City of Shorewood to a state-licensed cannabis retail business.

SCHOOL. A public school as defined under Minn. Stat. 120A.05, as may be amended, or a nonpublic school that must meet the reporting requirements under Minn. Stat. 120A.24, as may be amended.

STATE LICENSE. An approved license issued by the State of Minnesota's Office of Cannabis Management to a cannabis retail business.

307.02 REGISTRATION OF CANNABIS BUSINESS

Subd. 1. *Registration Required.* No individual or entity may operate a state-licensed cannabis retail business within the City of Shorewood without first registering with the City of Shorewood. Any individual, entity, or business that sells cannabis, cannabis products, or lower-potency hemp edibles to a customer or patient without first obtaining a valid retail registration shall incur a civil penalty of up to \$2,000 for each violation.

Subd. 2. *Compliance Checks prior to Retail Registration.* Prior to issuance of a cannabis retail business registration, the City of Shorewood shall conduct a preliminary compliance check to ensure compliance with local ordinances. Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application with OCM, the City of Shorewood shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

Subd. 3. *Registration & Application Procedure.*

- a. *Fees.* A registration fee, established by the City of Shorewood Fee Schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial registration shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by the City of Shorewood shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal

retail registration shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this section, of the adult-use retail business.

b. Application Submittal. The City of Shorewood shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

(1) An applicant for a retail registration shall fill out an application form, as provided by the City of Shorewood. Said form shall include, but is not limited to:

- i. Full name of the property owner and applicant;
- ii. Address, email address, and telephone number of the applicant;
- iii. The address and parcel ID for the property which the retail registration is sought.
- iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. § 342.13.

(2) The applicant shall include with the form:

- i. The registration fee as required by the City of Shorewood Fee Schedule.
- ii. A copy of a valid state license or written notice of OCM license pre-approval.
- iii. A copy of the signed City Council resolution approving an Interim Use Permit for a cannabis retail business that has been recorded with Hennepin County.

(3) Once an application is considered complete, the City of Shorewood shall inform the applicant as such, process the registration fees, and forward the application to the City Administrator or their designee for approval or denial.

(4) The registration fee shall be non-refundable once processed.

c. Application Approval. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under this ordinance; or, the applicant is unable to meet the requirements of all relevant City ordinances including but not limited to

this Chapter and the requirements of the City zoning code. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

d. *Annual Compliance Checks.* The City of Shorewood shall complete at a minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements under Minn. Stat. § 342.22 Subd. 4(b) and Minn. Stat. § 342.24, and the requirements of this Ordinance. The City of Shorewood shall conduct at minimum one unannounced age verification compliance check per calendar year. Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21, who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or any employee of the local unit of government. Any failures under this section must be reported to the Office of Cannabis Management. This section does not prohibit the City from making any further investigation or performing further unannounced compliance checks for any legal requirement.

e. *Location Change.* A state-licensed cannabis retail business shall be required to submit a new application for registration under this Ordinance if it seeks to move to a new location still within the legal boundaries of the City of Shorewood. Such an application shall be considered a registration renewal application.

Subd. 4. *Renewal of Registration.* The City of Shorewood shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail cannabis business shall apply to renew registration on a form established by the City of Shorewood. A cannabis retail registration issued under this ordinance shall not be transferred.

- a. *Renewal Fees.* The City of Shorewood shall charge a renewal fee for the registration starting with the second renewal, as established by the City of Shorewood Fee Schedule.
- b. *Renewal Application.* The application for renewal of a retail registration shall include, but is not limited to, all the required items for an initial registration as described by this ordinance.

Subd. 5. *Suspension of Registration.*

- a. *When Suspension is Warranted.* The City of Shorewood may suspend a cannabis retail business' registration if it violates the ordinance of the City of Shorewood or poses an immediate threat to the health and safety of the public. The City of Shorewood shall immediately notify the cannabis retail business in writing the grounds for the suspension.

- b. *Notification to OCM.* The City of Shorewood shall immediately notify the OCM of the grounds for the suspension. OCM will provide the City of Shorewood and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.
- c. *Length of Suspension.* The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended.
- d. *Reinstatement of Registration.* The City of Shorewood shall not reinstate a registration until a written determination from the OCM that the violations have been resolved. The City of Shorewood shall reinstate a registration if OCM determines that the violations have been resolved.
- e. *Civil Penalties.* Subject to Minn. Stat. 342.22, Subd. 5(e) the City of Shorewood may impose a civil penalty as specified in the City of Shorewood's Fee Schedule, for registration violations, not to exceed \$2,000.

Subd. 6. *Limiting of Registrations.* The City of Shorewood shall limit the number of cannabis retail business to no fewer than one registration for every 12,500 residents within the City of Shorewood. If Hennepin County has one active cannabis retail business registration for every 12,500 residents, the City of Shorewood shall not be required to register additional state-licensed cannabis retail businesses. Based on the population of the City of Shorewood as determined by the U.S. Census Bureau on the effective date of this ordinance, the City of Shorewood shall limit the number of cannabis retail businesses to (1) one.

307.03 REQUIREMENTS FOR CANNABIS BUSINESS

Subd. 1. *Minimum Buffer Requirements.* The following distances shall be measured from the property line of the property where the cannabis business is located to the property line of a property with any of the following occupancies:

- a. The City of Shorewood shall prohibit the operation of a cannabis business within 700 feet of a school.
- b. The City of Shorewood shall prohibit the operation of a cannabis business within 500 feet of a daycare, residential treatment center, attraction within a public park that is regularly used by minors, including a playground or athletic field.
- c. The City of Shorewood shall prohibit the operation of a cannabis business within 500 feet of another cannabis retail business.

Pursuant to Minn. § Stat. 462.357, Subd. 1e, nothing in this subdivision shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school, daycare, residential treatment facility, or attraction within a public park that is regularly used by minors, moves within the minimum buffer zone.

Subd. 2. *Zoning and Land Use.* Cannabis businesses must comply with all applicable zoning and land use requirements.

Subd. 3. *Hours of Operation.* Cannabis businesses are limited to retail sale of cannabis, cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products between the hours of 10:00 a.m. to 9:00 p.m.

Subd. 4. *Advertising.* Cannabis businesses are permitted to erect up to two fixed signs on the exterior of the building or property of the business, unless otherwise limited by the City of Shorewood's sign ordinances. All signs must comply with the City of Shorewood sign ordinances.

307.04 TEMPORARY CANNABIS EVENTS

Subd. 1. *License Required.* A license or permit is required to be issued and approved by the City of Shorewood prior to holding a Temporary Cannabis Event.

Subd. 2. *Registration & Application Procedure.* A registration fee, as established in the City of Shorewood Fee Schedule, shall be charged to applicants for Temporary Cannabis Events.

Subd. 3. *Application Submittal & Review.* The City of Shorewood shall require an application for Temporary Cannabis Events.

a. An applicant for a Temporary Cannabis Event registration shall fill out an application form, as provided by the City of Shorewood. Said form shall include, but is not limited to:

- (1) Full name of the property owner and applicant;
- (2) Address, email address, and telephone number of the applicant;

b. The applicant shall include the following with the form:

- (1) The application fee as required by the City of Shorewood Fee Schedule.
- (2) A copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. § 342.39, Subd. 2.

c. Once an application is considered complete, the City Administrator or their designee shall inform the applicant as such, process the application fees, and forward the application to the City Administrator or their designee for approval or denial.

d. The application fee shall be non-refundable once processed.

e. The application for a Temporary Cannabis Event shall meet the following standards:

(1) Any on-site consumption is prohibited.

(2) The location of the Temporary Cannabis Event shall meet the minimum buffer requirements as provided for in this ordinance.

(3) Provide a written narrative outlining how the Temporary Cannabis Event will not present any public health, safety or welfare concerns.

(4) Any other applicable requirement established by the Shorewood City Code.

f. A request for a Temporary Cannabis Event that meets the requirements of this Section shall be approved.

g. A request for a Temporary Cannabis Event that does not meet the requirements of this Section, or that presents public health, safety, or welfare concerns, shall be denied. The City of Shorewood shall notify the applicant of the standards not met and basis for denial.

h. Temporary Cannabis Events shall only be held between the hours of 10:00 a.m. to 9:00 p.m.

i. Temporary Cannabis Events shall only be conducted as an accessory use to a registered cannabis retail business located in a C-1 zoning district.

307.05 USE IN PUBLIC PLACES

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of these products.

Section 2. City Code Section 1201.02 Definitions is hereby amended as follows. Language proposed to be removed is ~~stricken~~ and language proposed to be added is underlined.

...

~~**CANNABIS BUSINESS.** An establishment engaged in the cultivation, manufacture, distribution, wholesale sales or purchasing, processing, packaging, testing, and/or sale of cannabis that is further defined and validly licensed and registered consistent with Minnesota Statute 342. The size and type of business is determined by the State license type, as defined in MS 342, and may be listed as an allowed use in a particular district based on the business's function.~~

...

Section 3. City Code Section 1201.22 C-1, General Commercial District, Subd. 4. Conditional Uses, is hereby amended as follows. Language proposed to be removed is stricken and language proposed to be added is underlined.

...

~~I. Cannabis business, provided that;~~

- ~~—— (1) Cannabis businesses shall be prohibited within 700 feet of a school or 500 feet of a daycare residential treatment center, attraction within a public park that is regularly used by minors including but not limited to, playgrounds or athletic fields. The distance shall be measured from the property line of the property where the cannabis business is located to the property line of a property with a daycare, residential treatment center or public park.~~
- ~~—— (2) Pursuant to Minn. Stat. 462.367 subd. 14, nothing in Section 3.1 shall prohibit an active cannabis business or a cannabis business seeking registration from continuing operation at the same site if a school/ daycare/ residential treatment facility/ attraction within a public park that is regularly used by minors, moves into the minimum buffer zone.~~
- ~~—— (3) The following shall apply to any cannabis business with retail sales:~~
 - ~~—— a) No retail cannabis business shall be located within 500 feet of another retail cannabis business within the city boundaries of Shorewood. The distance shall be measured from the property lines of the properties where the cannabis businesses are located.~~
 - ~~—— b) Retail sales are permitted only between the hours of 10:00 a. m. to 9:00 p. m.~~
 - ~~—— c) Retail cannabis businesses (including the retail portions of microbusinesses or mezzobusinesses as defined by MS 342) are limited to one business for each 12, 500 residents in Shorewood.~~

...

Section 3. City Code Section 1201.22 C-1, General Commercial District is hereby amended as follows. Language proposed to be removed is stricken and language proposed to be added is underlined.

...

Subd. 5. Interim Uses. The following are permitted Interim Uses in a C-1 District:

- a. Businesses licensed or endorsed for cannabis cultivation, cannabis manufacturer, lower-potency hemp edibles, cannabis wholesale, cannabis retail

businesses, cannabis transportation, sale of lower-potency hemp edibles, cannabis testing facilities, and cannabis delivery. These uses are prohibited in all other zoning districts, including, but not limited to, the C-2 Service Commercial and Planned Unit Development Zoning Districts and all Residential Zoning Districts.

Subd. **56**. *Lot requirements and setbacks*. The following minimum requirements shall be observed in a C-1 District subject to additional requirements, exceptions and modifications set forth in this chapter:

- a. Lot area: None;
- b. Lot width: None;
- c. Lot depth: None;
- d. Setbacks:

(1) Front yard: Not less than 30 feet;

(2) Rear yard: Not less than 30 feet;

(3) Side yard: Not less than 15 feet on each side nor less than 30 feet on a side yard abutting a street;

(4) Setback from R District boundary: Not less than 50 feet (Additional setback not required when adjacent to a nonresidential use in an R-C District).

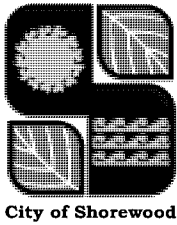
Subd. **67**. *Building requirements*. Height: No structure shall exceed three stories, or 40 feet, whichever is least.

...

Section 4. City Code Title 1300 Municipal Fees is hereby amended as follows. Language proposed to be removed is ~~stricken~~ and language proposed to be added is underlined.

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<u>VIII. Cannabis Related Fees</u>		
<u>Type of Charge/Fee</u>	<u>City Code Reference</u>	<u>Charge/Fee</u>
<u>Initial Retail Registration (Includes First Renewal)</u>	<u>307.02, Subd. 3. a.</u>	<u>\$500 or 50% of the Initial State License Fee Under Minn. Stat. 342.11, whichever is less.</u>
<u>Subsequent Renewal Retail Registration</u>	<u>307.02, Subd. 4. a.</u>	<u>\$1,000 or 50% of the Renewal State License Fee Under Minn. Stat. 342.11, whichever is less.</u>
<u>Temporary Cannabis Event Registration</u>	<u>307.02, Subd. 3. b. (1).</u>	<u>\$500 per day per event.</u>
<u>Violations</u>	<u>307.02, Subd. 1. & 307.02, Subd. 5. e.</u>	<u>\$2,000 for each violation</u>



Planning Commission Meeting Item

Title/Subject: Grading & Steep Slopes City Code Amendments
Meeting Date: August 19, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Draft Amendment Language

Background

During the 2040 Comprehensive Planning process, it was identified that the City Code requirements relative to grading and steep slopes were in need of being updated. Part of the rationale was that several sections of the City Code required permits for grading activities, however, there were no administrative procedures for how these permits should be processed. Additionally, several of the City Code requirements were no longer relevant or inconsistent with one another.

Since the City Code was originally adopted several decades ago, other organizations such as the Minnehaha Creek Watershed District and Riley Purgatory Bluff Creek Watershed District have also emerged with their own rules and permitting requirements relative to grading and steep slopes. These organizations are experts in these topics, and require their own permits, in addition to the City's for many common grading activities.

The following activities require a permit under current regulations:

City of Shorewood

- Building permit project.
- Zoning permit project.
- Conditional Use Permit required for:
 - Depositing more than 100 cubic yards of fill.
 - Extracting more than 400 cubic yards of fill.
- Any grading project in a Shoreland District.

Minnehaha Creek Watershed District

- Disturbance of more than 5,000 square feet of land.
- Grading, digging, storing, or moving more than 50 cubic yards.

Riley Purgatory Bluff Creek Watershed District

- Disturbance of more than 5,000 square feet of land.
- Grading, digging, storing, or moving more than 50 cubic yards.

Additionally, The Minnesota Department of Natural Resources model shoreland ordinance recommends requiring a permit for movement of more than 10 cubic yards on steep slopes, or within bluff impact zones; or movement of more than 50 cubic yards of material outside of steep slopes and bluff impact zones.

Discussion

The proposed City Code amendments would simply and also clarify the administrative procedures for the City's permitting process. Grading permits are proposed to be processed in accordance with the zoning permit procedures already included in the City Code for smaller projects like retaining walls, sheds, fences, etc. The amendments also clarify the definition of a steep slope based on the DNR's model shoreland ordinance to make the definition much more clear and easy to administer for property owners, builders and city staff.

The proposed amendments also clarify that additional permitting is not required for projects where grading activities are already being reviewed as part of an existing City permit review. For example, a new residential development would not need to submit a separate grading permit application because their detailed grading plans are already being reviewed by the City as part of their development application.

Finally, the proposed amendments would also shift the zoning tool used to approve mining and land reclamation activities from a conditional use permit to an interim use permit. This will allow the City to close out permits associated with these activities once projects are completed, rather than them becoming a land right through the conditional use permit process. The amendments also increase the permitting threshold for an interim use permit for land reclamation from 100 to 400 cubic yards. This change would align the City Code requirements for land reclamation and mining activities, as they ultimately often require the same amount of truck traffic and equipment.

It should be noted that the cumulative effect of the proposed City Code amendments does not result in any substantial policy change for residents. The proposed amendments are essentially housekeeping items that will ensure the City's existing permitting procedures are clear and enforceable.

Public Engagement

Notice of the public hearing and proposed amendments was published in both of the City's official newspapers at least 10 days prior to tonight's meeting, and was posted on the City's website, and at City Hall.

Staff's Recommendation

Staff recommends approval of the proposed City Code amendments as they are consistent with the intent of the Comprehensive Plan, the City Code, and the requirements of the Minnehaha Creek Watershed District, the Riley Purgatory Bluff Creek Watershed District, and the Department of Natural Resources model ordinance.

Action Requested

The Planning Commission is requested to hold a public hearing on the proposed City Code amendments and make a recommendation based on findings of fact to the City Council.

1201.02 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

...

STEEP SLOPE. ~~Land where agricultural activity or development is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics, as mapped and described in available county soil surveys or other technical reports, unless appropriate design and construction techniques and farming practices are used in accordance with the provisions of this chapter. Where specific information is not available, steep slopes are t~~Lands having average slopes over 12%, as measured over horizontal distances of 50 feet or more, that are not bluffs.

...

1201.07 ADMINISTRATION, CERTIFICATE OF OCCUPANCY AND ZONING PERMITS.

...

Subd. 2. Zoning permits. A zoning permit shall be required for activities that do not require building permits but for which it is necessary to determine compliance with zoning requirements such as setbacks, impervious surface coverage, structure height, and the like. Pursuant to M.S. § 15.99, an application for a zoning permit shall be approved or denied within 60 days from the date of its official and complete submission unless extended pursuant to statute or a time waiver is granted by the applicant. Pursuant to M.S. § 15.99, the city staff is hereby authorized to extend the 60 day time limit by a time period not to exceed 60 additional days, provided written notice of such extension is provided to the applicant before the end of the initial 60 day period. The permit shall expire within six months if the applicant has not completed the project. Items requiring a zoning permit include the following:

- a. Accessory buildings that do not require building permits.
- b. Driveways.
- c. Sport and tennis courts.
- d. Retaining walls higher than three feet (no separate permit required when a building permit is required for grading).
- e. Above-ground fireplaces and cooking facilities, but not including portable appliances.
- f. Residential decks that do not require building permits, as well as patios, terraces, sidewalks, steps, stoops, and other similar at-grade improvements.

g. Playground equipment or systems occupying more than 64 square feet of ground area or exceeding six feet in height.

h. Fences as regulated by § 1201.03 Subd. 2.f.

i. Temporary signs.

j. Portable storage facilities not associated with a valid building permit and located on property for more than 30 days in a 12-month period.

k. Ground-mounted solar energy systems not requiring a building permit, consistent with § 1201.03 Subd. 23.

l. Grading activities located within a bluff or shore impact zone, or on steep slopes, involving the movement of 10 or more cubic yards of material. Grading activities shall meet the requirements of City Code 1201.26, Subd. 7. A separate zoning permit shall not be required for grading activities associated with a subdivision, mining or land reclamation interim use permit, or building permit application.

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1201.03 GENERAL PROVISIONS

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Subd. 8. *Land reclamation.*

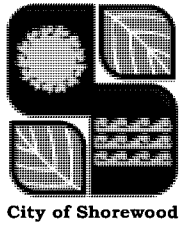
a. Land reclamation shall be permitted by conditional interim use permit in all districts as regulated by § 1201.04 of this chapter. Depositing of ~~100~~ 400 cubic yards or more of fill on any lot or parcel shall be considered land reclamation. Land reclamation shall not be interpreted as the depositing of fill from a building excavation on the same property. Land reclamation associated with a subdivision or building permit application having a grading plan and haul route approved by the City shall not be required to obtain an Interim Use Permit.

b. The permit shall include, as a condition thereof, a finished grade plan which has determined that the reclamation will not adversely affect the adjacent land and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress and for control of material disbursed from wind or hauling of material to or from the site.

Subd. 9. *Mining.* The extraction of sand, gravel or other material from the land in the amount of 400 cubic yards or more and removal thereof from the site shall be defined as mining. In all districts the conduct of mining shall be permitted only upon issuance of an conditional interim use permit. The permit shall include, as a condition thereof, a plan for a finished grade and land reclamation which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted and the

route of trucks moving to and from the site. Mining associated with a subdivision or building permit application having a grading plan and haul route approved by the City shall not be required to obtain an Interim Use Permit.

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Planning Commission Meeting Item

Title/Subject: 2026 Fee Schedule
Meeting Date: August 19, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: Draft 2026 Fee Schedule Amendment Language

Background

Minnesota State Statute § 462.353, Subd. 4. requires that changes to land use fees be adopted via an ordinance amendment. Accordingly, on an annual basis the Commission reviews proposed fee changes just as it would any other amendment to the City Code. The attached draft fee schedule, if approved, would go into effect on January 1, 2026. Historically the City of Shorewood has processed updates to its fee schedule closer to the end of the year, however, as part of the City's updated budget process fee changes are being reviewed earlier in the year to allow for additional notice to residents, builders, and developers before the fees go into effect.

Discussion

Zoning and land use fees are not a way for the City to make revenue. The fees associated with zoning and land use are charged in order to "break-even" and offset review costs. To that end, most fees in Shorewood have both a fixed application fee and an escrow amount which is used to cover review costs associated with the City Attorney and City Engineer's review.

The following zoning and land use fee changes are proposed for 2026, see the attached fee schedule for more information:

- Adding a \$1,000 escrow for subdivision sketch plan review.
- Increasing the zoning permit fee from \$25 to \$50.
- Increasing the zoning verification letter fee from \$50 to \$250.
- Adding a fee and escrow for the newly created Administrative Adjustment application.

Public Engagement

Notice of the public hearing and proposed amendments was published in both of the City's official newspapers at least 10 days prior to tonight's meeting, and was posted on the City's website, and at City Hall. Additionally, this topic has previously been discussed by the City Council at their July 28, 2025 work session.

Staff's Recommendation

City staff recommends approval of the attached fee schedule amendment.

Action Requested

The Planning Commission is requested to hold a public hearing on the proposed 2026 Fee Schedule and make a recommendation based on findings of fact to the City Council.

VII. Zoning and Land Use Fees

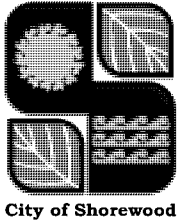
Note: Base fees are non-refundable. Escrow deposits are to cover consulting engineer and attorney expenses. Applicants are informed that any city expenses not covered by these fees will be billed to them. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.

Type of Charge/Fee	City Code Reference	Charge/Fee
Comprehensive plan amendment Pre-application Formal Application		\$200 \$800 plus \$3,000 escrow
Conditional use permit Residential Non-residential	1201.04	\$500 plus \$500 escrow \$600 plus \$1,000 escrow
Interim use permit Residential Non-residential	1201.04	\$500 plus \$500 escrow \$600 plus \$1,000 escrow
Planned unit development Concept Stage Development Stage Final Stage By Conditional Use Permit	1201.25 1201.25 1201.25 1201.06	\$500 plus \$2,000 escrow \$700 plus \$2,000 escrow \$500 plus \$1,000 escrow \$500 plus \$1,000 escrow
Sign permits Temporary Permanent	1201.03 Subd.11	See Zoning Permit Per 1997 U.B.C. Table 1-A
Site plan review	1201.03	\$200 plus \$1,000 escrow
Subdivision sketch plan review	1202.03	\$200 plus \$1,000 escrow
Subdivision (minor subdivision)	1202.03 (Ord. 576)	\$500 plus \$2,000 escrow
Subdivision (preliminary plat) 5 or fewer lots Over 5 lots	1202.03	\$600 plus \$25/lot plus escrow as follows: \$2,000 \$3,000

VII. Zoning and Land Use Fees

Note: Base fees are non-refundable. Escrow deposits are to cover consulting engineer and attorney expenses. Applicants are informed that any city expenses not covered by these fees will be billed to them. Unused escrow fees will be returned to applicant upon written request. Applications with more than one required escrow deposit shall be required to submit the combined total of all escrow amounts.

<i>Type of Charge/Fee</i>	<i>City Code Reference</i>	<i>Charge/Fee</i>
Subdivision (final plat)	1202.03	\$500 plus \$25/lot plus escrow as follows:
5 or fewer lots		\$2,000
Over 5 lots		\$4,000
Traffic studies when required as part of another application	Multiple	Escrow for estimated cost of study to be reviewed by the City's consulting engineers plus \$500.
Vacation of Easement or Right-of-Way	901	\$500 plus \$1,000 escrow
Variances	1201.05/1202.09	\$500 plus \$500 escrow
Residential		\$600 plus \$500 escrow
Non-residential		
Zoning amendment (text or map)	1201.04	\$600 plus \$1,000 escrow
Zoning permits	1201.07	\$25 <u>\$50</u>
Zoning verification letter		\$50 <u>\$250</u>
Park dedication (cash in lieu of land)	1202.07	\$7,500 dwelling unit/Resd'l 8% of raw land value/Comm'l
Extension of plat approval or amendment of development agreement	1202.03	\$200 plus \$1,000 escrow for amendments
Administrative Adjustment	1202.33	\$500 plus \$1,000 escrow



Planning Commission Meeting Item

Title/Subject: Monthly Training Topic – Review July 28, 2025 City Council Land Use Planning & Zoning Training

Meeting Date: August 19, 2025

Prepared by: Jake Griffiths, Planning Director

Attachments: None

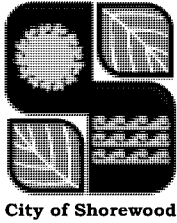
Discussion

At most Planning Commission meetings, City staff will provide a brief monthly training session on a topic of interest to the Commission. This month, we will review the July 28, 2025 training presentation the City Council received related to land use, planning and zoning. The following topics will be covered during the presentation:

1. Municipal Authority to Plan
2. The Role of the Planning Commission
3. Zoning: Implementing the Comprehensive Plan
4. Conditional & Interim Use Permits
5. Variances
6. Time Limits
7. Public Hearings

Action Requested

This information is being provided for discussion purposes only, no formal action is required.



Planning Commission Meeting Item

Title/Subject: Upcoming City Council Liaisons
Meeting Date: August 19, 2025
Prepared by: Jake Griffiths, Planning Director
Attachments: None

Action Requested

A Commissioner is requested to volunteer to be the liaison to the City Council at the following upcoming City Council meetings:

September 8, 2025: _____

September 22, 2025: _____

October 27, 2025: _____

December 8, 2025: _____